

REMARKS/ARGUMENTS

In an Office Action dated February 11, 2008, the Examiner rejected pending Claims 38, 39, 46 and 47. This Amendment and Response comprises the Applicant's reply to the aforementioned Office Action.

In the above-referenced Office Action, the Examiner rejected Claims 38, 39, 46, and 47 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,510,595 to Matsushima et al. ("Matsushima"). The Applicant respectfully traverses this rejection.

It is well recognized that claims are anticipated if, and only if, each and every element, as set forth in the claim is found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See MPEP §2131.

On page 2 of the above-noted Office Action, the Examiner has annotated Figure 3 of the Matsushima patent. With regard to the claim elements, the Examiner appears to be asserting that the back of the bottom portion 12 of the fitting concave portion 10 of Matsushima includes a "closure bar groove on lower seal member." (Examiner's annotation.) With respect, the Applicant notes that this does not appear to be correct. That is, while the bottom portion 12 has a back side, and while a "concave-row-supporting portion 5" extends from the back side of the bottom portion 12, a closure bar groove is not present in the Matsushima device where indicated by the Examiner.

In support of the Applicant's position, the Applicant notes the following to Examiner's attention. First, Claim 38 recites "the lower seal member further comprising **a closure bar groove** . . . wherein said closure bar groove is accessible for interaction with a slider closure bar." Similarly, Claim 46 recites "the lower seal member further comprising **a closure bar groove** . . . wherein said closure bar groove is accessible for interaction with the closure bar of the slider." Accordingly, both independent Claims 38 and 46 claim a "closure bar groove."

Next, the Applicant notes that, considering possible definitions for “groove,” from page 842 of Webster’s New Universal Unabridged Dictionary (1996), among its definitions, “groove” means “a long, narrow cut or indentation in a surface, as the cut in a board to receive the tongue of another board.” (See Attachment A.) In addition, the Court of Appeals for the Federal Circuit opined that “[t]he ordinary and accustomed meaning of ‘groove,’ . . . is a ‘relatively long and narrow structure.’” Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 955 (Fed. Cir. 2000). Such interpretations of the word “groove” are consistent with the drawings and specification of the present application. More particularly, the Examiner’s attention is directed to the present application, including Figures 3, 5, 6, 9a-9o, and 21, as well as the text of the specification. For example, the specification states “[a]t the closing end 38, closure bar 48 fits within closure bar groove 32 of lower seal member 14, and serves to confine the mating surface 22 of lower seal member 14 within the body 50 of slider 16.” (See ¶ [0075] of U.S. Pat. App. Pub. No. 2004/0187273 corresponding to the present application).

The cited reference of Matsushima does not disclose a closure bar groove as claimed in independent Claims 38 and 46. In addition, the structure that the Examiner identified on page 3 of the Office Action as the “closure bar on slider” does not interact with a groove structure as claimed by the Applicant.

Finally, the Applicant respectfully notes that Matsushima fails to disclose the limitations as recited in Claims 39 and 47. In addition, the Examiner has not indicated where Matsushima discloses the recited limitations of these claims.

Accordingly, for the foregoing reasons, the Examiner is respectfully requested to withdraw the 35 U.S.C. §102(b) rejection of independent Claims 38 and 46, as well as dependent Claims 39 and 47.

*Application No. 10/803,834*

Based upon the foregoing, the Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: April 10, 2008

## **ATTACHMENT A**

# WEBSTER'S NEW UNIVERSAL UNABRIDGED DICTIONARY

The dictionary entries are based on the  
Second Edition of *The Random House  
Dictionary of the English Language*

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This edition published by Barnes & Noble, Inc.  
by arrangement with Random House Value Publishing, Inc.

1996 Barnes & Noble Books

ISBN 0-7607-0288-8

Printed and bound in the United States of America

M 9 8 7 6

**month in a grody little shack without lights or running water.** 2. repulsive; disgusting; nauseating. [expressive coinage, perh. reflecting **GROSS** (in slang sense) and **MOLDY**] —**gro' di-ness**, *n.*

**Groenendaal** (grō'ēn däl'), *n.* former name of Belgian sheepdog. [1920-25; after the village in Belgium where it was bred]

**Groete** (Du. khrō'ts; Eng. grōt), *n.* **Ger-hard** (Du. khrā'rākt; Eng. gar'hārt). See **Groote, Gerhard**.

**Grofé** (grō'fā, grā fā'), *n.* **Fer-dā** (fūr'dā) (**Ferdinand Rudolf von Grofé**), 1892-1972, U.S. composer.

**grog** (grog), *n.* 1. a mixture of rum and water, often flavored with lemon, sugar, and spices and sometimes served hot. 2. any strong alcoholic drink. 3. fired and crushed clay. [1760-70; from Old **Grog** (alluding to his **GROGRAM** cloak), the nickname of Edward Vernon (d. 1757), British admiral, who in 1740 ordered the alcoholic mixture to be served, instead of pure spirits, to sailors.]

**grog-ger** (grog'er, grō'ger), *n.* grager.

**grog-gery** (grog'ērī), *n.*, *pl.* -ger-ies. a slightly disreputable barroom. [1815-25, Amer.; **GROG** + -ERY]

**grog-gy** (grog'ē), *adj.*, -gi-er, -gi-est. 1. staggering, as from exhaustion or blows; a boxer **groggy** from his opponent's **hard left jab**. 2. dazed and weakened, as from lack of sleep. *Late nights always make me groggy the next morning.* 3. *Archaic.* drunk; intoxicated. [1760-70; **GROG** + -Y'] —**grog/gi-ly**, *adv.* —**grog/gi-ness**, *n.* —*Syn.* 2. sluggish, lethargic; woozy, dozy.

**grog-ram** (grog'ram), *n.* a coarse fabric of silk, of silk and mohair or wool, or of wool, formerly in use. [1555-65; < MF **gros grain**. See **GROSGRAIN**]

**grog-shop** (grog'shop'), *n.* **Brit.** a saloon or barroom, esp. a cheap one. [1765-75; **GROG** + **SHOP**]

**Groote** (Du. khrō'te; Eng. grōt), *n.* **Ger-hard** (Du. khrā'rākt; Eng. gar'hārt), (**Gerordus Magnus**), 1340-84, Dutch religious reformer, educator, and author; founder of the order of Brethren of the Common Life. Also, **Groot, Groote**.

**groove** (grōōv), *n.*, *u.*, **grooved, groov-ing.** —*n.* 1. a long, narrow cut or indentation in a surface, as the cut in a board to receive the tongue of another board (tongue-and-groove joint), a furrow, or a natural indentation on an organism. 2. the track or channel of a phonograph record for the needle or stylus. 3. a fixed routine to get into a groove. 4. Print. the furrow at the bottom of a piece of type. See *diag.* under *type*. 5. *Slang.* an enjoyable time or experience. 6. *in the groove*, *Slang.* a. in perfect functioning order. b. *in the popular fashion; up-to-date.* —*u.t.* 7. to cut a groove in; furrow. 8. *Slang.* a. to appreciate and enjoy. b. to please immensely. —*v.i.* 9. *Slang.* a. to take great pleasure; enjoy oneself. He was grooving on the music. b. to get along or interact well. 10. to fit in a groove. [1350-1400; ME **grofe**, grooving shaft; c. MD **groeve**, D **groef**, G **Grube** pit, ditch; akin to **GRAVE**'] —**groove'less**, *adj.* —**groove'like**, *adj.* —**groov'er**, *n.*

—*Syn.* 3. rut, habit, pattern.

**grooved** (grōōvd), *u.* 1. *pt.* and *pp.* of **groove**. —*adj.* 2. provided with a groove. [1785-95; **GROOVE** + -ED<sup>2</sup>]

**grooved' fric'ative**, *Phonet.* a fricative, as (s), in which air is channeled through a groove along the center of the tongue. Also, **groove' fric'ative**. Cf. *silt fricative*.

**groov-y** (grōō've), *adj.*, **groov-i-er, groov-i-est.** 1. *Slang.* highly stimulating or attractive; excellent; groovy music; a groovy car. 2. inclined to follow a fixed routine. [1850-55; **GROOVE** + -Y']